

# HOUSE BILL REPORT

## HB 2061

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**As Reported by House Committee On:**  
Environment

**Title:** An act relating to authorizing county legislative authorities to approve certain group B water systems based upon their delivery of water meeting safe drinking water standards.

**Brief Description:** Authorizing county legislative authorities to approve certain group B water systems based upon their delivery of water meeting safe drinking water standards.

**Sponsors:** Representatives Short and Kretz.

**Brief History:**

**Committee Activity:**

Environment: 2/16/15, 2/19/15 [DPS].

**Brief Summary of Substitute Bill**

- Authorizes some county legislative authorities to approve Group B public water systems with nine or fewer connections based on the quality of the water delivered for potable use by the system if the groundwater source does not meet water quality standards.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Farrell, Fey, Goodman, Harris, McBride, Pike and Taylor.

**Staff:** Jacob Lipson (786-7196).

**Background:**

Under state law, public water systems are divided into two categories: Group A and Group B public water systems. Group A systems are public water systems that meet one of three criteria:

- features 15 or more service connections;

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- serves an average of 25 or more people per day for at least 60 days a year, regardless of the number of service connections; or
- serves 1,000 or more people for two consecutive days.

Group B systems encompass all other public water systems.

The Department of Health (Department) began implementing a new rule covering Group B systems that took effect in January 2014, and that was adopted by the Washington State Board of Health. Under this rule, local health jurisdictions may adopt and implement their own Group B system regulations, so long as they are no less stringent than the Department's rules.

Under the 2014 rule, the Department or a local health jurisdiction must approve a Group B system's design and groundwater source prior to new or expanded system operation. In order to meet groundwater source requirements in the rule, a Group B system must draw from a source that does not show a presence of coliform bacteria or exceed a maximum contaminant level for certain water pollutants, including arsenic, nitrate, and mercury. For certain other contaminants, such as iron and zinc, the Department's rules allow the Group B system to treat a raw groundwater source that exceeds the maximum contaminant level, so long as the water delivered to consumers does not exceed the maximum contaminant level.

The Washington Constitution provides for two forms of county government: (1) a "commission" form to be established through general laws by the Legislature; and (2) a "home rule" charter form, which any county may choose to adopt. In counties with a commission form of government, the legislative body must be the three-member board of elected commissioners; in home rule counties, the legislative authority may be an elected council.

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### **Summary of Substitute Bill:**

Irrespective of the Board of Health's Group B system rules, a county legislative authority in a county of less than 50,000 residents east of the crest of the Cascade Mountains may approve the operation of certain Group B systems that provide service to nine or fewer connections. In order for a Group B system to seek approval from the county legislative authority to expand or begin operating, the Group B system must demonstrate that the water provided by the system meets local potable water quality standards at the point of water delivery, and the raw groundwater source of the Group B system must not meet water quality standards. A Group B system that was initially authorized under state rules may receive approval from the county legislative authority to expand to up to nine connections if the system uses a raw groundwater source that does not meet local water quality standards. By December 15 of each year, Group B systems approved by the county legislative authority must submit results demonstrating that the potable water delivered by the system meets local potable water standards.

### **Substitute Bill Compared to Original Bill:**

The substitute bill limits the scope of Group B water systems eligible for approval by a local county legislative authority to counties east of the Cascade Mountains and with a population of less than 50,000. Group B systems approved by a county legislative authority must demonstrate the water they deliver meets potable water quality standards at the point of delivery, rather than for indoor household use. The authority for a county legislative authority to approve Group B water systems is limited to those systems that do not meet water quality standards for raw groundwater. The authority of the Department or local health jurisdiction to approve Group B water quality systems is retained for systems that meet raw groundwater quality standards. Previously approved Group B systems by the Department or a local health jurisdiction may expand to up to nine connections with the approval of the county legislative authority, so long as the system meets Group B water quality standards at the point of delivery but does not meet raw groundwater quality standards. County-approved Group B systems that do not meet raw groundwater quality standards established by the Board of Health rule must submit water quality testing results by December 15 of each year that demonstrate that water delivered by the system meets local potable water standards.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 20, 2015.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill will give local public water systems more choice in terms of how they deliver safe drinking water. The Board of Health's rules limit the ability of local health jurisdictions to establish flexible local solutions for water systems. The new Group B system rules have resulted in an inability to expand existing systems that have already been permitted, and an inability to site new systems where they would have been authorized in earlier years. The current rules create an incentive to just drill more exempt wells rather than developing small water systems so as to avoid the restrictive rule implementation by the Department. Local county legislative authorities are in an appropriate position to decide whether to approve a public water system, and can rely on the expertise of health experts in local government.

(Opposed) Last year the Department worked with the proponents of this bill to hold a summit in northeastern Washington to address these issues. In order for state health responsibilities to be comfortable with this bill, there would need to be ongoing monitoring of small water systems to ensure that they were operated correctly and safely. Small water systems are responsible for the majority of the compliance failures statewide with respect to water quality standards for many types of water pollutants. Water treatment systems are sometimes difficult to operate and maintain, and if a small water system does not have capacity to treat, test, and ensure the continuing safety of their water, there could be significant public health consequences. Even large and sophisticated Group A water systems sometimes have difficulty with their water treatment systems.

**Persons Testifying:** (In support) Representative Short, prime sponsor; and Jim Potts, Stevens County.

(Opposed) Clark Halvorson, Washington State Department of Health; and David DeLong, Washington State Board of Health.

**Persons Signed In To Testify But Not Testifying:** None.